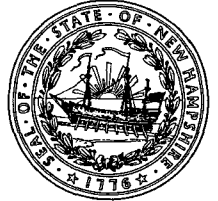




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-20**

August 1, 2005

William E Ferry
246 Edgewater Dr
Gilford, NH 03249

RE: DES Wetlands File #2004-02309 55 Broadview Terrace, Gilford

Dear Mr. Ferry:

On July 11, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilford Tax Map 221 as Lot 30 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. The existing 42 ft x 26 ft deck was increased by approximately 10 ft 6 in. x 13 ft 8 in. over the water covering a boat slip which previously measured 46 ft 2in. x 13 ft. 8in. and which was reduced to 36 ft. x 13 ft. 8 in.
2. A second boat slip previously measuring 21 ft. 8 in. x 12 ft. 9 in. was lengthened to 24 ft.
3. 2 permanent boatlifts have been installed without a permit.
4. 1 additional seasonal canopy has been installed without a permit.
5. Rip-rap appears to extend into the lake below the normal high water mark. No fill within the lake was permitted.
6. Rip-rap was placed above the top of shoreline slope encompassing the existing trees on the frontage in areas approved for establishment of native vegetation.

In response, you are requested to take the following actions:

1. Within 10 days provide DES with the name of the contractor(s) who installed the boatlifts, seasonal canopies, modified the dock, and placed the rip rap along the frontage.
2. Within 30 days provide a stamped surveyed as-built plan showing all structures on the frontage including the rip-rap. The plan must also show all trees along the frontage, the normal high water line (504.32 feet above sea-level), property lines and the toe of slope for the rip-rap.
3. Within 60 days, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified environmental consultant, and include provisions for

removal of the additional decking to meet the approved dimensions in accordance with Wetlands Permit # 1999-00007 (copy of approved plan enclosed), and removal of any rip-rap placed below the high water mark (the extent of which shall be determined from the stamped surveyed plan) and removal of rip-rap placed above the limits shown on the approved plan revised November 30, 2004, as received by the DES on December 2, 2004 (copy of approved plan enclosed), on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with the normal high water mark, top of bank, all docking structures and supports and the upper and lower limits of rip-rap; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - d. A detailed planting plan for the stabilization and revegetation of areas presently rip-rapped beyond the landward limits approved.
4. Retain a qualified environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 5. Implement the restoration plan only after receiving written approval and as conditioned by DES.
 6. The additional seasonal canopy and boatlifts are not permitted structures, were installed prior to seeking approval, and therefore need to be removed from the frontage within 30 days of the date of this Letter of Deficiency. DES will consider a permit for approval of these structures only after the shoreline has come into compliance.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over the word "COPY".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8424 2955

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Gilford Conservation Commission
Gilford Board of Selectmen
USACOE
Watermark Marine Construction
Belknap Landscape Co Inc